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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,262	09/09/2003	Yoshihiro Maei	117071	4015
25944	7590	06/16/2008	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				STOREY, WILLIAM C
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
06/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/657,262	MAEI ET AL.	
	Examiner	Art Unit	
	WILLIAM C. STOREY	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 February 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 3-12 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1, 3-12 is/are rejected.
- 7) Claim(s) 6 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The claim(s) refer to “the first call.” However, no first call has been defined in the dependency structure associated with the claim(s). The examiner will assume the applicant to mean “the call.”

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahan et al (US Patent Publication 2004/0196833), hereinafter referred to as Dahan; in view of Welin (US Patent Application Publication No. 2002/0031086), Oobayashi (US Patent Publication 2002/0075521), Murata et al (Japanese Patent Application Laid-Open No. 2002-044363), hereinafter referred to as Murata; and Iizuka (US Patent 688796).

Regarding claim 1, Dahan and others disclose a facsimile apparatus comprising: a network interface that connects to an IP network via a LAN or a public line; a TCP/UDP/IP protocol control unit that is connected to the network interface and controls an IP protocol and a TCP/UDP protocol; a real-time transfer protocol control

unit that is connected to the TCP/UDP/IP protocol control unit and controls a real-time transfer protocol; a voice encoding/decoding unit that is connected to the real-time transfer protocol control unit and encodes and decodes a voice signal; a facsimile modem that is connected to the voice encoding/decoding unit and modulates and demodulates a facsimile signal; a first T30 protocol control unit that is connected to the facsimile modem and controls a T30 facsimile protocol; a first communication image processing unit that is connected to the first T30 protocol control unit and conducts image processing of communication image data; and an image storage unit that is connected to the communication image processing unit and stores a read image or image data received from a network. In addition, Dahan discloses a distributed gateway for combined communication services.

Here more detail is presented to discussed the above teachings: Dahan discloses that signals from a conversion path 600 can be transported on a packet-based network, such as the Internet 122 or a VoIP network 126, as disclosed in paragraph 147. It is inherent that there must be some form of network interface connection via a LAN or public line in order to connect to an IP network, such as an Internet or VoIP connection, for the express purpose of connecting to said network connections. This reads on claimed network interface that connects to the IP network via a LAN or a public line. Figure 6 depicts an RTP unit 334 connected to a UDP/IP unit 336, which reads on claimed real-time transfer protocol control unit that controls a real-time transfer protocol, and is further disclosed in paragraph 147. Dahan discloses an encoder 220 and a decoder 218 connected to the RTP unit that reads on claimed voice

encoding/decoding unit that is connected to the real-time transfer protocol control unit and encodes and decodes a voice signal, as disclosed in Figure 6 and paragraph 147. Dahan discloses a data pump (DP) 333 that modulates the fax signals into voice signals and is connected to the encoder 220 and decoder 218, which reads on facsimile modem that is connected to the voice encoding/decoding unit and modulates and demodulates a facsimile signal, as disclosed in Figure 6 and paragraph 147. Dahan also discloses a fax machine 107 connected to a network and modem, as disclosed in Figure 2. It is notoriously well known that a fax machine should contain a modem for modulation and demodulation of a signal. It is also notoriously well known in the art to conform to T30 protocol in fax transmissions for the purpose of being able to communicate with the majority of popular faxes. Therefore, the disclosure of a fax machine 107 reads on claimed T30 protocol control unit that is connected to the facsimile modem and controls a T30 facsimile protocol. Further, it is inherent for a fax machine to contain an image scanning and processing unit. Therefore, fax machine 107 would read on a first communication image processing unit that is connected to the first T30 protocol unit and conducts image processing of communication image data, as disclosed in Figure 2.

Dahan discloses TCP/IP header control unit 339 and a udp/ip header control unit 336, as disclosed in figure 3. In addition, Dahan discloses that instead of sending faxes with a TCP header, a UDP header may be used, as disclosed in paragraph 107.

However, Dahan fails to disclose the TCP, UDP, and IP control units contained together. However, the examiner maintains that it was well known in the art to provide the TCP, UDP, and IP control units contained together, as taught by Welin.

In a similar field of endeavor, Welin discloses a tcp/udp/ip protocol control unit that is connected to the network interface and controls an IP protocol and a TCP/UDP protocol. In addition, Welin discloses systems, processes, and integrated circuits for improved packet scheduling of media over packet. Further, Welin discloses a control unit 381 connected to a network physical interface 391, which is connected to a packet data network 351, which reads on “control unit that is connected to the network interface, as disclosed in Figure 3. In addition, Welin discloses a tcp/udp/ip stack in 611 and 3733, which may be placed inside the control unit such as 381 to control header output, which reads on claimed tcp/udp/ip protocol control unit, as disclosed in figures 3 and 6.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahan by specifically providing TCP, UDP, and IP control units contained together, as taught by Welin, for the purpose of conserving space.

Dahan discloses a fax machine 107, with components inherent to a conventional fax machine. However, Dahan fails to distinctly disclose an image storage unit. However, the examiner maintains that it was well known in the art to provide an image storage unit, as taught by Oobayashi.

In a similar field of endeavor, Oobayashi discloses an image storage unit that is connected to the communication image processing unit and stores a read image or image data received from a network. In addition, Oobayashi discloses an Internet facsimile and control method thereof. Further, Oobayashi discloses an image storage section 107, which reads on claimed image storage unit; connected to an image processing system 106, which reads on claimed connected to the communication image processing unit; connected to a read section 104, which reads on claimed read image; and all sections are connected through a bus connection 114, which reads on claimed network, as disclosed in Figure 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahan by specifically providing an image storage unit, as taught by Oobayashi, for the purpose of converting read image data into a format suitable for transmission, as disclosed in paragraph 39.

The discussion thus far provides for claimed a conventional facsimile apparatus and first communication unit comprising the TCP/UDP/IP protocol control unit, the real-time transfer protocol control unit, the voice encoding/decoding unit, the facsimile modem, the first T30 protocol control unit and the communication image processing unit. However, the previous disclosures did not disclose a T.30 and T.38 protocol unit connected together. However, the examiner maintains that it was well known in the art to provide a T.30 and T.38 protocol unit connected together, as taught by Iizuka.

In a similar field of endeavor, Iizuka discloses a communication connecting device adaptive to an IP network and communication rate control method therefor. In

addition, Iizuka discloses a sending apparatus that has communication by T.30 recommendations and communication by T.38 recommendations in the same apparatus, as disclosed in column 1 lines 15-29 and 49-65. It is inherent that a facsimile apparatus (sending apparatus) must have a T.30 and a T.38 control unit in order to communicate in ensured conformity with both of those standards. It is inherent that there be some sort of controller to conduct communications over the IP network and as has been mentioned previously, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide connection to a TCP/UDP/IP control unit for the purpose of providing more flexibility in terms of compatibility, simplicity, and speed. It is also inherent that a facsimile apparatus would have an image processing unit to process scanned documents for sending, which reads on claimed second communication image processing unit that is connected between the second T30 protocol control unit and conducts image processing of communication image data. The discussion provided may read upon claimed second control unit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing a T.30 and T.38 protocol unit connected together, as taught by Iizuka, for the purpose of communicating with different receiving ends.

In addition, the previous disclosures did not disclose a communication unit selecting unit. However, the examiner maintains that it was well known in the art to provide a communication unit selecting unit as disclosed by Murata.

In addition, Murata discloses facsimile equipment, facsimile transmission method and storage medium. Further, Murata discloses a means for selecting one of two different facsimile modes, as disclosed in paragraph 14. This reads on a communication unit selecting unit that selects either of a first communication unit or a second communication unit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing a means for selecting one of two different facsimile modes, as taught by Murata, for the purpose of providing more efficient synchronization between the transmitting and receiving sides of a fax communication and to secure a predetermined transmission speed depending on the situation of a data communication network allowing for more flexibility, as disclosed in paragraph 11.

Iizuka disclosed a sending apparatus, which reads on claimed facsimile apparatus for T.38 and second communication unit, as disclosed in column 1, line 50 and discussed previously.

In addition, "While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also In re Swinehart, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29

(CCPA 1971); *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959).

“[A]pparatus claims cover what a device is, not what a device does.” *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original).”—MPEP 2114-R1.

Regarding claim 10, as the applicant has claimed that the claim has been amended to incorporate similar limitations now found in claim 1, everything as applied above for claim 1 except for the additions of first and second facsimile protocol control units and over a VoIP gateway. In addition, it is notoriously well known in the art to conform to T30 protocol in fax transmissions for the purpose of communicating with the majority of fax machines. Therefore, Dahan’s disclosure of a fax machine 107 in Figure 2 reads on claimed first facsimile protocol control unit that is connected to the facsimile modem and controls a T30 facsimile protocol. The discussion in claim 1 regarding the second T30 protocol control unit connected to the T38 protocol control unit disclosed by Iizuka may read on second facsimile protocol unit. Further, Dahan discloses transmission of a fax call established with a remote VoIP gateway, which reads on claimed VoIP gateway, as a VoIP call over a VoIP network, as disclosed in paragraph 146 and 147.

In addition, “While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board’s finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art

reference); see also *In re Swinehart*, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959).

“[A]pparatus claims cover what a device is, not what a device does.” *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original).”-MPEP 2114-R1.

4. Claims 3 & 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the previous disclosures as applied to claim 1 above, and further in view of Ogawa (5042028).

Regarding claim 3, the claim inherits everything as applied above for claim 1. However, the previous disclosures did not disclose wherein the first T30 protocol control unit and the second T30 protocol control unit are configured by a shared protocol unit. However, the examiner maintains that it was well known in the art to provide wherein the first T30 protocol control unit and the second T30 protocol control unit are configured by a shared protocol unit, as taught by Ogawa.

In a similar field of endeavor, Ogawa discloses two fax protocol control units controlled by a shared protocol control unit. In addition, Ogawa discloses a communication terminal device. Further, Ogawa discloses a fax communication control unit 40, which serves both G3 and G4 communication, as disclosed in Figure 1. Ogawa discloses the fax communication control unit serving both a G3 communication mode (T30) and a G4 communication mode: simultaneous facsimile communication in the G4 mode/G3 mode is possible by such operation of the communication terminal device of the particular embodiment, as disclosed at column 9, lines 58-61. It is well known in the

art to reproduce a duplicate of something already widely known, such as a T30 control unit. Therefore, the examiner states that it was well known in the art at the time of the invention to produce two T30 control units and place them in a shared control unit instead of two different control units, for the purpose of connecting to two separate G3 fax machines and for the simplification of layout and configuration.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing the T30 protocol control unit and the public line facsimile protocol control unit are configured by a shared protocol unit, as taught by Ogawa, for the purpose of greatly improving communication efficiency, as disclosed at column 2, lines 33-34.

In addition, the previous disclosures failed to disclose a switching unit provided to selectively switch a connection of the shared protocol control unit with the facsimile modem or with the T.38 protocol control unit. However, the examiner maintains that it was well known in the art to selectively switch a connection of the shared protocol control unit with the facsimile modem or with the T.38 protocol control unit, as taught by Oobayashi.

In a similar field of endeavor, Oobayashi discloses an internet facsimile and control method thereof. In addition, Oobayashi discloses a network control section 110, which reads on claimed switching unit; that controls switching at least two different communication output modes, which reads on claimed selectively switch a connection, as disclosed in Figure 2 and paragraph 39. It is well known in the art to use a t.38 protocol control unit to ensure capability to communicate a fax over an IP standardized

Ethernet connection, which reads on claimed T38 protocol control unit. In addition, Oobayashi discloses a branch from the network control section going to a modem 112, which reads on claimed modem, for a different type of communication than the other route previously-mentioned, as disclosed in Figure 2 and paragraph 37.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing a switching unit provided to selectively switch a connection of the shared protocol control unit with the facsimile modem or with the T.38 protocol control unit, as taught by Oobayashi, for the purpose of allowing selective, separate outputs that would both conform to carry in a similar trait or traits and improve operability, as disclosed at paragraph 9 and paragraph 39.

In addition, “While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board’s finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also *In re Swinehart*, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). “[A]pparatus claims cover what a device is, not what a device does.” *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original).”-MPEP 2114-R1.

Regarding claim 11, the claim inherits everything as applied for claim 3. However, the previous disclosures did not disclose wherein the first communication image processing unit and the second communication image processing unit are configured by a shared communication image processing unit. However, the examiner maintains that it was well known in the art to provide wherein the first communication image processing unit and the second communication image processing unit are configured by a shared communication image processing unit, as taught by Oobayashi.

In a similar field of endeavor, Oobayashi discloses an image processing section 106 that serves two output paths connecting from communication control section 109 and network control section 110, as disclosed in Figure 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing wherein the first communication image processing unit and the second communication image processing unit are configured by a shared communication image processing unit, as taught by Oobayashi, for the purpose of conserving space, as is well known in the art.

In addition, "While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art

reference); see also *In re Swinehart*, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959).

“[A]pparatus claims cover what a device is, not what a device does.” *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original).”-MPEP 2114-R1.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the previous disclosures as applied to claim 1 above, and further in view of Walker et al. (US Patent Publication 2003/0193696), hereinafter referred to as Walker.

Regarding claim 4, the claim inherits everything as applied above for claim 1. However, the previous disclosures did not distinctly disclose to disclose a selective call control unit that first selects the first communication unit and calls a destination terminal to judge whether the destination terminal has T.38 mode communication capability, and when the destination terminal has the T.38 mode communication capability, temporarily suspends the session and selects the second communication unit to call the destination terminal. However, the examiner maintains that it was well known in the art to provide a selective call control unit that first selects the first communication unit and calls a destination terminal to judge whether the destination terminal has T.38 mode communication capability, and when the destination terminal has the T.38 mode communication capability, temporarily suspends the session and selects the second communication unit to call the destination terminal, as taught by Walker.

In a similar field of endeavor, Walker discloses voice and fax over IP call establishment in a communication network. In addition, Walker discloses the

initialization of communication, which reads on claimed call a destination terminal; using voice communication, which reads on claimed first communication unit; by a media gateway, which reads on claimed selective call control unit; detects whether or not fax or t.38 communication is occurring, which reads on claimed judge whether the destination terminal has t.38 mode communication capability; and when it detects positively, enables the image/t38 connection; which reads on claimed selects the second communication unit to call the destination terminal; and mutes the voice communication until it detects a necessity to switch back to voice communication, which reads on claimed temporarily suspends the session; as disclosed at paragraphs 49, 51, and 52.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing a selective call control unit that first selects the first communication unit and calls a destination terminal to judge whether the destination terminal has T.38 mode communication capability, and when the destination terminal has the T.38 mode communication capability, temporarily suspends the session and selects the second communication unit to call the destination terminal, as taught by Walker, for the purpose of improving efficiency and preventing the loss of a call, as disclosed at paragraph 4.

In addition, “While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art

reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also *In re Swinehart*, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). “[A]pparatus claims cover what a device is, not what a device does.” *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original).”-MPEP 2114-R1.

Regarding claim 5, the same reasoning as applied for claim 4 rejects claim 5.

Regarding claim 6, the claim inherits everything as applied above for claim 4. However, the previous disclosures did not disclose wherein it is judged whether the destination terminal has the t.38 mode communication capability in a stage shifted to a facsimile protocol after the establishment of a session according to the call by the communication unit. However, the examiner maintains that it was well known in the art to provide wherein it is judged whether the destination terminal has the t.38 mode communication capability in a stage shifted to a facsimile protocol after the establishment of a session according to the first call by the communication unit, as taught by Walker.

In addition, Walker discloses switching to t.38 mode communication, which reads on claimed stage shifted to a facsimile protocol; after starting out the connection in the voice communication mode, which reads on claimed after the establishment of a session according to the call by the first communication unit. While in the t.38 communication mode, it is continuously checked whether or not the t.38 mode is still to

be enabled, which reads on claimed judged whether the destination terminal has the t.38 mode communication capability, as disclosed at paragraph 49.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosure by specifically providing wherein it is judged whether the destination terminal has the t.38 mode communication capability in a stage shifted to a facsimile protocol after the establishment of a session according to the call by the communication unit, as taught by Walker, for the purpose of improving efficiency and preventing the loss of a call, as disclosed at paragraph 4.

In addition, "While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also *In re Swinehart*, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). "[A]pparatus claims cover what a device is, not what a device does." *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original)."-MPEP 2114-R1.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahan in view of Welin, Oobayashi, and Murata et al (Japanese Patent Application Laid-Open No. 2002-044363), hereinafter referred to as Murata.

Regarding claim 7, Dahan discloses that signals from a conversion path 600 can be transported on a packet-based network, such as the Internet 122 or a VoIP network 126, as disclosed in paragraph 147. It is inherent that there must be some form of network interface connection via a LAN or public line in order to connect to an IP network, such as an Internet or VoIP connection, for the express purpose of connecting to said network connections. This reads on claimed network interface that connects to the IP network via a LAN or a public line. Figure 6 depicts an RTP unit 334 connected to a UDP/IP unit 336, which reads on claimed real-time transfer protocol control unit that controls a real-time transfer protocol, and is further disclosed in paragraph 147. Dahan discloses an encoder 220 and a decoder 218 connected to the RTP unit that reads on claimed voice encoding/decoding unit that is connected to the real-time transfer protocol control unit and encodes and decodes a voice signal, as disclosed in Figure 6 and paragraph 147. Dahan discloses a data pump (DP) 333 that modulates the fax signals into voice signals and is connected to the encoder 220 and decoder 218, which reads on facsimile modem that is connected to the voice encoding/decoding unit and modulates and demodulates a facsimile signal, as disclosed in Figure 6 and paragraph 147. Dahan also discloses a fax machine 107 connected to a network and modem, as disclosed in Figure 2. It is notoriously well known that a fax machine should contain a modem for modulation and demodulation of a signal. It is also notoriously well known in the art to conform to T30 protocol in fax transmissions for the purpose of being able to communicate with the majority of popular faxes. Therefore, the disclosure of a fax machine 107 reads on claimed T30 protocol control unit that is connected to the

facsimile modem and controls a T30 facsimile protocol. Further, it is inherent for a fax machine to contain an image scanning and processing unit. Therefore, fax machine 107 would read on a first communication image processing unit that is connected to the first T30 protocol unit and conducts image processing of communication image data, as disclosed in Figure 2.

Dahan discloses TCP/IP header control unit 339 and a udp/ip header control unit 336, as disclosed in figure 3. In addition, Dahan discloses that instead of sending faxes with a TCP header, a UDP header may be used, as disclosed in paragraph 107. However, Dahan fails to disclose the TCP, UDP, and IP control units contained together. However, the examiner maintains that it was well known in the art to provide the TCP, UDP, and IP control units contained together, as taught by Welin.

In a similar field of endeavor, Welin discloses a tcp/udp/ip protocol control unit that is connected to the network interface and controls an IP protocol and a TCP/UDP protocol. In addition, Welin discloses systems, processes, and integrated circuits for improved packet scheduling of media over packet. Further, Welin discloses a control unit 381 connected to a network physical interface 391, which is connected to a packet data network 351, which reads on “control unit that is connected to the network interface, as disclosed in Figure 3. In addition, Welin discloses a tcp/udp/ip stack in 611 and 3733, which may be placed inside the control unit such as 381 to control header output, which reads on claimed tcp/udp/ip protocol control unit, as disclosed in figures 3 and 6.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahan by specifically providing TCP, UDP, and IP control units contained together, as taught by Welin, for the purpose of conserving space.

Dahan discloses a fax machine 107, with components inherent to a conventional fax machine. However, Dahan fails to distinctly disclose an image storage unit. However, the examiner maintains that it was well known in the art to provide an image storage unit, as taught by Oobayashi.

In a similar field of endeavor, Oobayashi discloses an image storage unit that is connected to the communication image processing unit and stores a read image or image data received from a network. In addition, Oobayashi discloses an Internet facsimile and control method thereof. Further, Oobayashi discloses an image storage section 107, which reads on claimed image storage unit; connected to an image processing system 106, which reads on claimed connected to the communication image processing unit; connected to a read section 104, which reads on claimed read image; and all sections are connected through a bus connection 114, which reads on claimed network, as disclosed in Figure 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahan by specifically providing an image storage unit, as taught by Oobayashi, for the purpose of converting read image data into a format suitable for transmission, as disclosed in paragraph 39.

However, the previous disclosures did not distinctly and satisfactorily disclose dealing with a public line as discussed in the claim.

In addition, Oobayashi discloses a net control section 111, which reads on claimed a network control unit that controls a connection to a public line, as disclosed in Figure 2 and paragraph 37. Oobayashi discloses a modem 112, which reads on claimed public line facsimile modem that is connected to the network control unit and modulates and demodulates a facsimile signal, as disclosed in Figure 2 and paragraph 37. Oobayashi discloses a system for communicating with group three facsimile machines, as disclosed in Figure 1. In order to effectively communicate with group 3 facsimile machines, it is inherent that a fax system would contain a T30 control section in order to conform to ITU-T standards for communication with a group 3 machine. Communication control section 109 controls fax communications over a telephone network that connects with group 3 facsimile machines, as disclosed in paragraph 37, Figure 2, and Figure 1. Therefore, the inherency of such communication and the control of communication control section 109 read on claimed a public line facsimile protocol control unit that is connected to the public line facsimile modem and controls the T.30 facsimile protocol, as disclosed in Figure 1, Figure 2, and paragraph 37. Oobayashi discloses an image processing section 106 and an image storage section 107, which reads on claimed public line communication image processing unit that is connected between the public line facsimile protocol control unit and the image storage unit and conducts image processing of communication image data, as disclosed in Figure 2 and paragraph 37.

Therefore, it would have been obvious to include the said teachings of Oobayashi for the purpose of providing greater fax communication and control.

The discussions thus far read on claimed first communication unit, facsimile apparatus connected to the IP network, and first communication unit comprising the TCP/UDP/IP protocol control unit, the real-time transfer protocol control unit, the voice encoding/decoding unit, facsimile modem, the T30 protocol unit and the communication image processing unit. All of the disclosures with respect to claim 7 thus far read on claimed second communication unit comprising the network control unit, the public line facsimile modem, the public line facsimile protocol control unit and the public line communication image processing unit, facsimile apparatus connected to the public line, and second communication unit. However, the previous disclosures have not distinctly and satisfactorily disclosed a means for selecting one of two different facsimile modes. In addition, Murata and Maei disclose a technology which has a configuration for connecting to the Internet via a public line network (PSTN: Public Switched Telephone Network) and a LAN control section containing a T.38/T.37 mode independent of the PSTN, and when the ability of the other end is known, conducts communications in the T.37 mode, and when it is not known, conducts communications in the T.38 mode, as disclosed in Murata paragraph 14 and Maei paragraph 14. The examiner maintains that it was well known in the art at the time the invention was made to provide a means for selecting one of two different facsimile modes, as taught by Murata. In addition, Murata discloses a means for selecting one of two different facsimile modes, as disclosed in

paragraph 14. This reads on a communication unit selecting unit that selects either of a first communication unit or a second communication unit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing a means for selecting one of two different facsimile modes, as taught by Murata, for the purpose of providing more efficient synchronization between the transmitting and receiving sides of a fax communication and to secure a predetermined transmission speed depending on the situation of a data communication network, as disclosed in paragraph 11.

In addition, “While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board’s finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also *In re Swinehart*, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). “[A]pparatus claims cover what a device is, not what a device does.” *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original).”-MPEP 2114-R1.

Regarding claim 8, the claim inherits everything as applied above for claim 7. In addition, Dahan discloses wherein the facsimile modem and the public line facsimile

modem are configured by a shared facsimile modem, and a switching unit is provided to selectively switch a connection of the shared facsimile modem with the voice encoding/decoding unit or with the network control unit. Further, Dahan discloses a single modem 110 which serves multiple input routes, which reads on claimed configured by a shared facsimile modem, as disclosed in Figure 1. The facsimile modem of the first communication unit reads on claimed facsimile modem, as disclosed in the rejection of claim 7. The public line facsimile modem of the second communication unit reads on claimed public line facsimile modem, as disclosed in the rejection of claim 7. In addition, Dahan discloses the gateway 108 and the modem 110 combined into a single unit 200 in Figure 2, as disclosed in paragraph 63. Further, Dahan discloses a controller 248, which switches the handling of a call from one input path to another, which reads on claimed switching unit provided to selectively switch a connection of the shared facsimile modem, as disclosed in Figure 2 and paragraph 134. The voice encoding/decoding unit of the first communication unit reads on claimed voice encoding/decoding unit, as disclosed in the rejection of claim 7. The network control unit of the second communication unit reads on claimed network control unit, as disclosed in the rejection of claim 7.

In addition, “While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board’s finding of anticipation of claimed

apparatus because the limitations at issue were found to be inherent in the prior art reference); see also *In re Swinehart*, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959).

“[A]pparatus claims cover what a device is, not what a device does.” *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original).”—MPEP 2114-R1.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the previous disclosures as applied to claim 7 above, and further in view of Tanaka (Japanese Publication 2003060836).

Regarding claim 9, the claim inherits everything as applied above for claim 7. In addition, the previous disclosures disclose the ability to select either of the first communication unit or the second communication as described in the rejection of claim 7, which reads on claimed selects the first communication unit to call the destination terminal and selects the second communication unit to call the destination. However, the previous disclosures did not distinctly disclose an IP network terminal identification number storage unit that stores identification numbers used to identify IP network terminals. However, the examiner maintains that it was well known in the art to provide an IP network terminal identification number storage unit that stores identification numbers used to identify IP network terminals, as taught by Tanaka.

In a similar field of endeavor, Tanaka discloses network facsimile equipment. In addition, Tanaka discloses an input means, which reads on claimed destination terminal number input unit; for inputting the telephone number, which reads on claimed

destination terminal number; of a transmitting destination, which reads on claimed destination terminal; as disclosed in paragraph 8. In addition, Tanaka discloses a registration means, which reads on claimed IP network terminal identification number storage unit; a facsimile apparatus referenced by the inputted telephone number, which reads on claimed IP network terminals; and IP address information with respect to the inputted telephone number, which reads on claimed identification numbers. Tanaka discloses a communication link decision means and telephone number collating means, which read on selective call control unit, as disclosed in paragraph 10. Tanaka discloses a telephone number, which reads on claimed input number and destination terminal number; IP address information, which reads on claimed identification numbers; registration means, which reads on claimed IP network terminal identification number storage unit; facsimile apparatus, which reads on claimed destination terminal, as disclosed in paragraph 10.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing an IP network terminal identification number storage unit that stores identification numbers used to identify IP network terminals, as taught by Tanaka, for the purpose of increasing efficiency and speed by not having to determine the IP address of an inputted telephone number every time the telephone number is inputted, as disclosed in paragraph 4.

In addition, "While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in

terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also *In re Swinehart*, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). “[A]pparatus claims cover what a device is, not what a device does.” *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original).”-MPEP 2114-R1.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the previous disclosures as applied above for claim 8 and further in view of Ogawa (US Patent 5042028).

Regarding claim 12, the previous disclosures disclose everything as applied above for claim 8. However, the previous disclosures did not disclose wherein the first communication image processing unit and the public line communication image processing unit are configured by a shared communication image processing unit. However, the examiner maintains that it was well known in the art to provide wherein the first communication image processing unit and the public line communication image processing unit are configured by a shared communication image processing unit, as taught by Oobayashi.

In a similar field of endeavor, Oobayashi discloses an image processing section 106 that serves two output paths connecting from communication control section 109 and network control section 110, as disclosed in Figure 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing wherein the first communication image processing unit and the public line communication image processing unit are configured by a shared communication image processing unit, as taught by Oobayashi, for the purpose of conserving space, as is well known in the art.

In addition, the previous disclosures did not disclose wherein the T30 protocol control unit and the public line facsimile protocol control unit are configured by a shared protocol unit. However, the examiner maintains that it was well known in the art to provide wherein the T30 protocol control unit and the public line facsimile protocol control unit are configured by a shared protocol unit, as taught by Ogawa.

In a similar field of endeavor, Ogawa discloses two fax protocol control units controlled by a shared protocol control unit. In addition, Ogawa discloses a communication terminal device. Further, Ogawa discloses a fax communication control unit 40, which serves both G3 and G4 communication, as disclosed in Figure 1. Ogawa discloses the fax communication control unit serving both a G3 communication mode (T30) and a G4 communication mode: simultaneous facsimile communication in the G4 mode/G3 mode is possible by such operation of the communication terminal device of the particular embodiment, as disclosed at column 9, lines 58-61. It is well known in the

art to reproduce a duplicate of something already widely known, such as a T30 control unit. Therefore, the examiner states that it was well known in the art at the time of the invention to produce two T30 control units and place them in a shared control unit instead of two different control units, for the purpose of connecting to two separate G3 fax machines and for the simplification of layout and configuration.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing the T30 protocol control unit and the public line facsimile protocol control unit are configured by a shared protocol unit, as taught by Ogawa, for the purpose of greatly improving communication efficiency, as disclosed at column 2, lines 33-34.

In addition, “While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board’s finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also *In re Swinehart*, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). “[A]pparatus claims cover what a device is, not what a device does.” *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original).”-MPEP 2114-R1.

Response to Arguments

9. Applicant's arguments filed 2/25/08 have been fully considered but they are not persuasive.

Regarding claims 1, 7, & 10, the applicant proposes that Murata does not disclose "a communication unit selecting unit that selects either of a first communication unit comprising the TCP/UDP/IP protocol control unit, the real-time transfer protocol control unit, the voice encoding/decoding unit, the facsimile modem, the first T30 protocol control unit and the communication image processing unit, or a second communication unit." However, the examiner never purported that Murata disclosed such a limitation and thus, the proposal from the applicant is moot. The examiner only claimed that Murata discloses a means for selecting one of two different facsimile modes, which teaches selecting between a first and a second communication unit. The other discussions have provided for the other limitations. In the claims, certain discussions have been pointed out as corresponding to the first and second communication units. As discussed previously, as disclosed in Murata paragraph 14, and as admitted by applicant, Murata teaches switching between two facsimile modes. The teaching of Murata provides an obvious modification to enable switching between two different facsimile modes, embodied in the form of units. The switching is taught, and a box for a name may be drawn around anything; and thus, such modes may reside in divided units or not.

As presented in the discussion regarding claim 1, Dahan, Welin, and Oobayashi provided for the first communication unit and its components and the addition of Iizuka

and inherent attributes provided for the second communication unit. For example, it was disclosed in the discussion regarding claim 1, Dahan “Figure 6 depicts an RTP unit 334 connected to a UDP/IP unit 336, which reads on claimed real-time transfer protocol control unit that controls a real-time transfer protocol, and is further disclosed in paragraph 147. Dahan discloses an encoder 220 and a decoder 218 connected to the RTP unit that reads on claimed voice encoding/decoding unit that is connected to the real-time transfer protocol control unit and encodes and decodes a voice signal, as disclosed in Figure 6 and paragraph 147. Dahan discloses a data pump (DP) 333 that modulates the fax signals into voice signals and is connected to the encoder 220 and decoder 218, which reads on facsimile modem that is connected to the voice encoding/decoding unit and modulates and demodulates a facsimile signal, as disclosed in Figure 6 and paragraph 147. Dahan also discloses a fax machine 107 connected to a network and modem, as disclosed in Figure 2. It is notoriously well known that a fax machine should contain a modem for modulation and demodulation of a signal. It is also notoriously well known in the art to conform to T30 protocol in fax transmissions for the purpose of being able to communicate with the majority of popular faxes. Therefore, the disclosure of a fax machine 107 reads on claimed T30 protocol control unit that is connected to the facsimile modem and controls a T30 facsimile protocol. Further, it is inherent for a fax machine to contain an image scanning and processing unit. Therefore, fax machine 107 would read on a first communication image processing unit that is connected to the first T30 protocol unit and conducts image processing of communication image data, as disclosed in Figure 2. Dahan

discloses TCP/IP header control unit 339 and a udp/ip header control unit 336, as disclosed in figure 3. In addition, Dahan discloses that instead of sending faxes with a TCP header, a UDP header may be used, as disclosed in paragraph 107.

However, Dahan fails to disclose the TCP, UDP, and IP control units contained together. However, the examiner maintains that it was well known in the art to provide the TCP, UDP, and IP control units contained together, as taught by Welin.

In a similar field of endeavor, Welin discloses a tcp/udp/ip protocol control unit that is connected to the network interface and controls an IP protocol and a TCP/UDP protocol. In addition, Welin discloses systems, processes, and integrated circuits for improved packet scheduling of media over packet. Further, Welin discloses a control unit 381 connected to a network physical interface 391, which is connected to a packet data network 351, which reads on “control unit that is connected to the network interface, as disclosed in Figure 3. In addition, Welin discloses a tcp/udp/ip stack in 611 and 3733, which may be placed inside the control unit such as 381 to control header output, which reads on claimed tcp/udp/ip protocol control unit, as disclosed in figures 3 and 6.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dahan by specifically providing TCP, UDP, and IP control units contained together, as taught by Welin, for the purpose of conserving space.”

The TCP/UDP/IP protocol unit read on by Dahan and Oobayashi above and the real-time transfer protocol unit, the voice encoding/decoding unit, the facsimile, the T30

protocol control unit and the first communication image processing unit read upon by the disclosures presented by Dahan structurally equate the first communication unit as specified by the claim.

The discussion regarding claim 1 continued: "However, the previous disclosures did not disclose a T.30 and T.38 protocol unit connected together. However, the examiner maintains that it was well known in the art to provide a T.30 and T.38 protocol unit connected together (and that inherently would lead to a second communication apparatus being read upon), as taught by Iizuka.

In a similar field of endeavor, Iizuka discloses a communication connecting device adaptive to an IP network and communication rate control method therefor. In addition, Iizuka discloses a sending apparatus that has communication by T.30 recommendations and communication by T.38 recommendations in the same apparatus, as disclosed in column 1 lines 15-29 and 49-65. It is inherent that a facsimile apparatus (sending apparatus) must have a T.30 and a T.38 control unit in order to communicate in ensured conformity with both of those standards. It is inherent that there be some sort of controller to conduct communications over the IP network and as has been mentioned previously. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide connection to a TCP/UDP/IP control unit for the purpose of providing more flexibility in terms of compatibility, simplicity, and speed. It is also inherent that a facsimile apparatus would have an image processing unit to process scanned documents for sending, which reads on claimed second communication image processing unit that is connected between the

second T30 protocol control unit and conducts image processing of communication image data. The discussion provided may read upon claimed second control unit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previous disclosures by specifically providing a T.30 and T.38 protocol unit connected together, as taught by Iizuka, for the purpose of communicating with different receiving ends.

Iizuka disclosed a sending apparatus, which reads on claimed facsimile apparatus for T.38 and second communication unit, as disclosed in column 1, line 50 and discussed previously.”

The discussions with regard to Dahan set many precedents for establishing the well-known nature of the majority of the constituent parts that comprise the claimed second communication unit. As mentioned, the image processing unit and control units for the used protocols are inherent components of the fax system. The TCP/UDP/IP protocol control unit had been previously mentioned in regard to the first communication unit; however, as the second communication unit of Iizuka communicates over IP as well, the flexibility provided by the TCP/UDP/IP protocol control unit would benefit the system. Finally, Iizuka disclosed sending by T.30 and T.38 protocol; thus, necessitating the T.38 protocol control unit and the T.30 protocol control unit. As discussed, these components comprise the second communication unit, and therein, the discussion provided above structurally reads upon the claimed second communication unit.

Iizuka showed a T30 unit connected to a T38 unit, which was the uniquely-identifying feature of the second communication unit compared to the first

communication unit. Murata taught switching between two different facsimile modes and the applicant asserted that Murata taught switching between two different protocols, or modes. Switching could easily be applied to switching between other facsimile modes representing other well known protocols for the purpose of increased flexibility.

As the applicant agrees on the truth of the system of Murata able to switch between two different facsimile modes (pg. 11 of remarks), and as the substance of the applicant's proposals surround this issue and no other proposals were submitted, the rejections similarly stand as presented previously.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM C. STOREY whose telephone number is (571)270-3576. The examiner can normally be reached on Monday - Friday Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Y. Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William C Storey/
Examiner, Art Unit 2625

William C Storey
Examiner
Art Unit 2625

/W. C. S./
Examiner, Art Unit 2625
/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625